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IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

In re	)	NO. 17-13797
TULARE LOCAL HEALTHCARE	)	Chapter 9
DISTRICT dba TULARE	)	DCN: ASM-1
REGIONAL MEDICAL CENTER,)	
)	
Debtor.	)	MOTION FOR RELIEF FROM
	)	AUTOMATIC STAY UNDER
	)	11 U.S.C. §362 (WITH
	)	SUPPORTING DECLARATIONS)
)	
Tax ID#: 94-6002897	)	Date: November 15, 2017
Address: 869 N. Cherry Street	)	Time: 1:30 p.m.
Tulare, CA 93274	)	Place: 2500 Tulare St.
	)	5 th Flr.
	)	Fresno, CA 93721
	)	Ctrm: 13
	)	Dept: B
	)	Judge: Rene Lastreto II

MOTION FOR RELIEF FROM THE AUTOMATIC STAY AS TO NONBANKRUPTCY ACTION

THOMAS J. GRIESBACH; AMY S. FERREIRA; MATTHEW J. GRIESBACH,
collectively the "Movants" seek relief from the automatic stay to
TULARE LOCAL HEALTHCARE DISTRICT dba TULARE REGIONAL MEDICAL

1 CENTER, the debtor and move this Court as follows:

2 **JURISDICTION**

3 1. Jurisdiction exists under 28 U.S.C. § 1334. Venue is
4 proper under 28 U.S.C. § 1408. The District Court for the Eastern
5 District of California has generally referred these matters to the
6 Bankruptcy Court for hearing pursuant to 28 U.S.C. §157(a) and
7 United States District Court, Eastern District of California
8 General Orders 182 and 223. This is a core proceeding within the
9 meaning of 28 U.S.C. §157(b)(2)(G). This is a contested matter
10 under F.R.B.P. Rule 9014. This motion is made pursuant to 11 U.S.C.
11 §362(d)(1)& (2) and LBR 4001-1 and 9014-1(f)(2).

12 **MOTION**

13 2. Debtor filed a voluntary petition under Chapter 9 of
14 Title 11, U.S.C. case number 17-13797, in the Eastern District of
15 California on September 30, 2017.

16 3. Movants are plaintiffs in a medical malpractice civil
17 action GRIESBACH et al. v. TULARE REGIONAL MEDICAL CENTER; REBECCA
18 A. ZULIM, M.D.; et al. No. 270010 in the Superior Court of
19 California, County of Tulare filed on June 14, 2017.

20 4. The Griesbach matter arises from an incident on September
21 16, 2016 and September 17, 2016 where plaintiffs' decedent
22 Christine Griesbach presented to Tulare Regional Medical Center in
23 excruciating pain and a history of a ventral hernia. She was
24 diagnosed with incarcerated strangulated ventral hernia and acute
25 abdominal pain in the emergency room. She presented serious
26 symptoms nonetheless, Mrs. Griesbach's corrective surgery was
27 delayed for over 12 hours due to the negligence of Tulare Regional
28 Medical Center staff, nurses, and physicians. Alternatively, Tulare

1 Regional Medical Center and other defendants in this matter
2 negligently failed to transfer Mrs. Griesbach to another facility.
3 Shortly thereafter, Mrs. Griesbach died. Plaintiffs filed their
4 complaint for personal injuries on June 14, 2017.

5 5. Plaintiff, THOMAS J. GRIESBACH, and decedent, CHRISTINE
6 L. GRIESBACH, were legally married and were husband and wife prior
7 to the date of the subject incident which occurred on or about
8 September 16-17, 2016.

9 6. Plaintiffs, AMY S. FERREIRA and MATHEW J. GRIESBACH, were
10 the natural children of decedent, CHRISTINE L. GRIESBACH.

11 7. Defendant TULARE REGIONAL MEDICAL CENTER was a hospital
12 licensed to do business in the County of Tulare, State of
13 California, and employed physicians, nurses, assistants, attendants
14 and other persons to care for and treat Mrs. Griesbach who are
15 admitted at said facility.

16 LAW

17 8. It is respectfully submitted that good cause as
18 contemplated under 11 U.S.C. §362 (d)(1) exists and allows this
19 Court to enter an Order Granting Relief from Automatic Stay. To not
20 do so, will irreparably harm decedents' husband and two adult
21 children from the benefits they might otherwise have.

22 9. Further good cause exists in that movants seek recovery
23 only from applicable insurance and any defense has been tendered to
24 the insurance carrier such that the Debtor need not personally
25 defend the Action from its own proceeds or proceeds from its
26 bankruptcy state. Accordingly, there is no monetary component that
27 the Debtor will have to face.

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